



# House of Representatives

## File No. 722

General Assembly

January Session, 2001

**(Reprint of File No. 207)**

Substitute House Bill No. 5193  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 10, 2001

### **AN ACT CONCERNING THE USE OF BAR CODE SCANNING MACHINES.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. Section 21a-79 of the general statutes is repealed and the  
2       following is substituted in lieu thereof:

3       (a) For the purposes of this section (1) "consumer commodity" and  
4       "unit of a consumer commodity" [shall] have the same meaning as in  
5       section 21a-73, except that consumer commodity [shall] does not  
6       include alcoholic liquor, as defined in subdivision (3) of section 30-1, or  
7       a carbonated soft drink container; (2) "carbonated soft drink container"  
8       means an individual, separate, sealed glass, metal or plastic bottle, can,  
9       jar or carton containing a carbonated liquid soft drink sold separately  
10      or in packages of not more than twenty-four individual containers; (3)  
11      "universal product coding" [shall mean] means any system of coding  
12      [which] that entails electronic pricing; (4) an electronic shelf labeling  
13      system is an electronic system [which] that utilizes an electronic device  
14      attached to the shelf or at any other point of sale, immediately below  
15      or above the item, [which] that conspicuously and clearly displays to

16 the consumer the unit price and the price of the consumer commodity.  
17 Such electronic shelf labeling system reads the exact same data as the  
18 electronic cash register scanning system; and (5) an electronic pricing  
19 system is a system [which] that utilizes the universal product coding  
20 bar code by means of a scanner in combination with the cash register  
21 to record and total a customer's purchases.

22 (b) (1) (A) Any person, firm, partnership, association or corporation  
23 [which] that utilizes universal product coding in totaling a retail  
24 customer's purchases shall mark or cause to be marked each consumer  
25 commodity which bears a Universal Product Code with its retail price.

26 (B) Any person, firm, partnership, association or corporation that  
27 utilizes an electronic pricing system in totaling a retail consumer's  
28 purchases shall provide each consumer with an item-by-item digital  
29 display, plainly visible to the consumer as each universal pricing code  
30 is scanned, of the price of each consumer commodity or carbonated  
31 soft drink container, or both, selected for purchase by such consumer  
32 prior to accepting payment from such consumer for such commodity  
33 or container. The provisions of this subparagraph do not apply to any  
34 person, firm, partnership, association or corporation operating in a  
35 retail sales area of not more than ten thousand square feet.

36 (2) The provisions of subparagraph (A) of subdivision (1) of this  
37 subsection shall not apply if: (A) The Commissioner of Consumer  
38 Protection, by regulation, allows for the utilization of electronic shelf  
39 labeling systems; (B) a retailer is granted approval to utilize an  
40 electronic shelf labeling system by the commissioner; and (C) the  
41 retailer has demonstrated to the satisfaction of the commissioner that  
42 such electronic shelf labeling system is supported by an electronic  
43 pricing system which utilizes universal product coding in totaling a  
44 retail customer's purchases.

45 (3) Consumer commodities [which] that are advertised in a publicly-  
46 circulated printed form as being offered for sale at a reduced price for  
47 a minimum seven-day period need not be individually marked at such

48 reduced retail price, provided such consumer commodities are  
49 individually marked with their regular retail price and a conspicuous  
50 sign is adjacent to such consumer commodities, which sign discloses:  
51 (A) The reduced retail price and its unit price; and (B) a statement that  
52 the item will be electronically priced at the reduced price by the  
53 cashier.

54 (4) If a consumer commodity is offered for sale at a reduced price, in  
55 accordance with subdivision (3) of this subsection and its electronic  
56 price is higher than the reduced price on the sign which is adjacent to  
57 the consumer commodity, then one item of such consumer commodity  
58 shall be given to the consumer upon demand at no cost. A conspicuous  
59 sign shall adequately disclose to the consumer that in the event the  
60 electronic price is higher than the reduced retail price, one item of such  
61 consumer commodity shall be given to the customer upon demand at  
62 no cost.

63 (c) (1) The Commissioner of Consumer Protection may adopt  
64 regulations in accordance with the provisions of chapter 54 concerning  
65 the marking of prices and use of universal product coding on each unit  
66 of a consumer commodity.

67 (2) The Commissioner of Consumer Protection may adopt  
68 regulations in accordance with the provisions of chapter 54  
69 designating not more than ten consumer commodities [which] that  
70 need not be marked in accordance with subdivision (1) of subsection  
71 (b) of this section and specifying the method of providing adequate  
72 disclosure to consumers to insure that the electronic pricing of the  
73 designated consumer commodities is accurate. The commissioner may  
74 establish by regulation methods to protect consumers against  
75 electronic pricing errors of such designated consumer commodities  
76 and to insure that the electronic prices of such designated consumer  
77 commodities are accurate. Among the methods [which] that the  
78 commissioner may consider are conditions similar to those set forth in  
79 subdivision (4) of subsection (b) of this section.

80 (d) The Commissioner of Consumer Protection, after providing  
81 notice and conducting a hearing in accordance with the provisions of  
82 chapter 54, may issue a warning citation or impose a civil penalty of  
83 not more than one hundred dollars for the first offense and not more  
84 than five hundred dollars for each subsequent offense on any person,  
85 firm, partnership, association or corporation [which] that violates any  
86 provision of subsection (b) of this section or any regulation adopted  
87 pursuant to subsection (c) of this section. Any person, firm,  
88 partnership, association or corporation [which] that violates any  
89 provision of subsection (b) of this section or any regulation adopted  
90 pursuant to subsection (c) of this section shall be fined not more than  
91 two hundred dollars for the first offense nor more than one thousand  
92 dollars for each subsequent offense. Each violation with respect to all  
93 units of a particular consumer commodity on any single day shall be  
94 deemed a single offense.

95 Sec. 2. This act shall take effect October 1, 2002.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Department of Consumer Protection

**Municipal Impact:** None

**Explanation****State Impact:**

There is no fiscal impact to the Department of Consumer Protection by requiring certain businesses using an electronic pricing system to provide a digital display of each item's price prior to payment.

House "A" makes changes which result in no fiscal impact.

---

**OLR AMENDED BILL ANALYSIS**

sHB 5193 (File 207, as amended by House "A")\*

**AN ACT CONCERNING THE USE OF BAR CODE SCANNING MACHINES.****SUMMARY:**

This bill requires stores that (1) have a retail sales area of more than 10,000 square feet and (2) use an electronic pricing system to provide purchasers with plainly visible item-by-item digital price readouts on each consumer commodity and carbonated soft drink container as each item is scanned, and before accepting payment. The law defines an electronic pricing system as one that uses the universal pricing code (bar code), a scanner, and a cash register to record and total a customer's purchases.

Under the bill, a consumer commodity is any food, drug, cosmetic, or other product customarily sold at retail for individual consumption, personal care, or household use. Alcoholic liquor, prescription drugs, and carbonated soft drink containers are not consumer commodities.

Carbonated soft drink containers are individual, separate, glass or plastic bottles, jars, or cartons or metal cans containing a carbonated liquid soft drink sold separately or in packages of up to 24 individual containers.

\*House Amendment "A" requires that consumers see the item-by-item digital price readout as the bar code on each item is scanned.

EFFECTIVE DATE: October 1, 2002

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 17      Nay 0

